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8 Attorneys for Chapter 7 Trustee,
9 GARY FARRAR

10 UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 MODESTO DIVISION

13 In re

14 DONOVAN JOSEPH GONSALEZ fdba
15 THE MOUNTAIN HOUSE CAFE

16 Debtor

) Case No. 08-92570

) Chapter 7

) DC No.: CWS-4

) MOTION TO AUTHORIZE SALE
OF REAL PROPERTY

) Date: May 5, 2010

) Time: 11:00 a.m.

) Place: U.S. Bankruptcy Court
Courtroom 33
1200 I Street, Suite 4
Modesto, CA

Judge: Hon. Ronald H. Sargis

21 Gary Farrar, the Chapter 7 trustee (hereinafter "Trustee"), hereby moves the court for an
22 order to authorize the sale of real property pursuant to 11 U.S.C. section 363(b) and alleges as
23 follows:

24 1. Debtor filed a chapter 7 bankruptcy petition on November 26, 2008 and moving party
25 was subsequently appointed as the duly acting and authorized trustee.
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1 2. Debtors owned real property , a vacant lot in Sonora, Tuolumne County, identified as
2 Assessor's Parcel Number 0831-170-06 (hereinafter "Real Property") and the Real Property is now
3 part of the bankruptcy estate.

4 3. The trustee has hired a broker and considered the broker's opinion of value, and has
5 otherwise investigated the value of the Real Property. The Real Property is a vacant lot and has been
6 on the market for approximately 15 months.

7 4. Based on his investigation, the trustee believes that this sale of the Real Property will be
8 in the best interests of the estate.

9 5. Subject to bankruptcy court approval, Rodney Mansfield and Sara Mansfield (hereinafter
10 "Buyers") have agreed to purchase the real property and the trustee has agreed to sell the real
11 property. The proposed purchase price is \$30,000.00.

12 6. Liens to be paid through escrow include three recorded child support liens that are
13 referenced in paragraphs 10-12 of the preliminary title report attached as Exhibit A to the
14 Declaration of Gary Farrar. The amount of the claims will not exceed \$10,000. The proofs of claim
15 related to these support claims are attached to the Declaration of Gary Farrar as Exhibit B.

16 7. The proposed sale is subject to overbid on substantially the same terms and conditions as
17 the pending sale.

18 8. Pursuant to an order of the court dated February 11, 2009, the Broker will be paid 10% of
19 the sales price. Assuming no overbid, the broker's commission and other costs of the sale will be
20 approximately \$4,000.

21 WHEREFORE, the trustee requests that the court order that the sale is authorized.

22
23 Dated: April 2, 2010

NEUMILLER & BEARDSLEE
A PROFESSIONAL CORPORATION

24
25 By: 

CLIFFORD W. STEVENS
Attorneys for GARY FARRAR,
Chapter 7 Trustee